

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ZACHARY TAYLOR, #597646,

Plaintiff,

v.

CASE NO: 15-CV-12433-DT

RANDALL HAAS, ET AL.,

Defendants.

/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATIONS**

This matter was referred to United States Magistrate David R Grand pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his report filed on December 30, 2015, the magistrate judge recommended that this court grant the Plaintiff's Motion to Dismiss [Dkt. # 23] , Dismiss the Complaint without prejudice and deny as moot MDOC's Motion for Summary Judgement [Dkt. # 17]. A consent to the voluntary dismissal was filed by the MDOC Defendants on December 28, 2015. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

Having reviewed the file and the report, the court concludes that the findings and conclusions of the magistrate judge are correct and ADOPTS the same for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's "Report and Recommendation", Plaintiff's Motion to Dismiss [Dkt.# 23] is GRANTED, the complaint is DISMISSED WITHOUT PREJUDICE and Defendants' Motion for Summary Judgment [Dkt. # 17] is DENIED AS MOOT.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

¹The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Dated: January 12, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 12, 2016, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522